

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

United States of America,)	Case No. CR <u>16-cr-371</u>
)	
Plaintiff,)	STIPULATED ORDER EXCLUDING TIME
v.)	UNDER THE SPEEDY TRIAL ACT
)	
<u>Douglas Aviles</u>)	
Defendant.)	

For the reasons stated by the parties on the record on 9/7, 2016, the Court excludes time under the Speedy Trial Act from 9/7, 2016 to 9/20, 2016 and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factor(s):

- ☐ Failure to grant a continuance would be likely to result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i).
- ☐ The case is so unusual or so complex, due to [check applicable reasons] _____ the number of defendants, _____ the nature of the prosecution, or _____ the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. See 18 U.S.C. § 3161(h)(7)(B)(ii).
- ☐ Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ☐ Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ☒ Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 9-7-16

STIPULATED: [Signature]
Attorney for Defendant

[Signature]
SALLIE KIM
United States Magistrate Judge

[Signature]
Assistant United States Attorney

FILED

SEP 07 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA